

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:08-CV-119

EDWARD CARRINGTON, *et al.*, )  
Plaintiffs, )  
v. )  
DUKE UNIVERSITY, *et al.*, )  
Defendants. )

) **NOTICE OF FILING OF**  
 ) **WAIVERS OF SERVICE**  
 ) **OF SUMMONS**

---

Pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure, Plaintiffs in the above captioned matter, by undersigned counsel, hereby file the annexed waivers of service of summons executed by or on behalf of Defendant J. Wesley Covington.

The requests for those waivers were sent by First Class Mail on March 5, 2008. Accordingly, by operation of Rules 4(d)(3) and 12 (a)(1)(B) of the Federal Rules of Civil Procedure, the time for these Defendants to answer or otherwise respond to the Complaint is extended until May 5, 2008.

This 2<sup>nd</sup> day of April 2008.

Respectfully submitted,

**COOPER & KIRK, PLLC**

By: /s/ Charles J. Cooper  
Charles J. Cooper\*  
David H. Thompson\*  
Nicole Jo Moss (N.C. Bar # 31958)  
1523 New Hampshire Avenue, NW  
Washington, DC 20036

Tel. (202) 220-9600  
Email: [ccooper@cooperkirk.com](mailto:ccooper@cooperkirk.com)  
Email: [nmoss@cooperkirk.com](mailto:nmoss@cooperkirk.com)

*Attorneys for Plaintiffs*

(\* motion for special appearance  
has been filed)

-and-

**THOMAS, FERGUSON & MULLINS, L.L.P.**

By: /s/ William J. Thomas

William J. Thomas, II (N.C. Bar # 9004)  
119 East Main Street  
Durham, NC 27701  
Tel. (919) 682-5648  
Email: [thomas@tfmattorneys.com](mailto:thomas@tfmattorneys.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2008, I electronically filed the foregoing Notice of Appearance with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel:

*Counsel for Defendants Duke University, Richard H. Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks and Victor Dzau*

J. Donald Cowan, Jr. (N.C. Bar # 0968)  
Dixie T. Wells (N.C. Bar # 26816)  
L. Cooper Harrell (N.C. Bar # 27875)  
Smith Moore LLP  
300 N. Greene Street  
Suite 1400  
Greensboro, N.C. 27401  
[Don.cowan@smithmoorelaw.com](mailto:Don.cowan@smithmoorelaw.com)  
[Dixie.wells@smithmoorelaw.com](mailto:Dixie.wells@smithmoorelaw.com)  
[Cooper.harrell@smithmoorelaw.com](mailto:Cooper.harrell@smithmoorelaw.com)

*Counsel for Defendants Duke University Health Systems, Inc. Tara Levicy and Theresa Arico*  
Dan J. McLamb (N.C. Bar # 6272)  
Yates, McLamb & Weyher, L.L.P.  
One Bank of America Plaza  
421 Fayetteville Street, Suite 1200  
Raleigh, North Carolina 27601  
[dmclamb@ymwlaw.com](mailto:dmclamb@ymwlaw.com)

*Counsel for Duke University, Duke University Health Systems, Inc., Tara Levicy and Theresa Arico, Richard H. Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks and Victor Dzau*

William F. Lee  
Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street

Boston, Massachusetts 02109  
[William.lee@wilmerhale.com](mailto:William.lee@wilmerhale.com)

Jamie Gorelick  
Paul. R. Q. Wolfson  
Jennifer M. O'Connor  
Wilmer Culter Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
[Jamie.gorelick@wilmerhale.com](mailto:Jamie.gorelick@wilmerhale.com)  
[paul.wolfson@wilmerhale.com](mailto:paul.wolfson@wilmerhale.com)  
[Jennifer.oconnor@wilmerhale.com](mailto:Jennifer.oconnor@wilmerhale.com)

*Counsel for David W. Addison*

James B. Maxwell  
Maxwell, Freeman & Bowman, P.A.  
P.O. Box 52396  
Durham, NC 27717  
Phone: (919) 493-6464  
[jmaxwell@mfbsa.com](mailto:jmaxwell@mfbsa.com)

*Counsel for City of Durham*

Reginald B. Gillespie, Jr.  
Faison & Gillespie  
P.O. Box 5517  
Durham, NC 27717  
[rgillespie@faison-gillespie.com](mailto:rgillespie@faison-gillespie.com)

*Counsel for Benjamin W. Himan*

Joel Miller Craig  
4011 University Drive, Suite 300  
Durham, North Carolina 27717-1579  
[jcraig@kennoncraver.com](mailto:jcraig@kennoncraver.com)

*Counsel for Beverly Council, Ronald Hodge, Jeff Lamb, Stephen Mihaich, Michael Ripberger, Lee Russ, and Patrick Baker, Steven Chalmers,*

Patricia P. Kerner  
D. Martin Warf  
Hannah G. Styron  
Troutman Sanders, LLP

P.O. Drawer 1389  
Raleigh, NC 27602-1389  
tricia.kerner@troutmansanders.com  
martin.warf@troutmansanders.com  
hannah.styron@troutmansanders.com

*Counsel for Mark D. Gottlieb*  
Edwin M. Speas, Jr. (N.C. Bar # 4112)  
Eric P. Stevens,  
P.O. Box 10096  
Raleigh, North Carolina 27605-0096  
espeas@poynerspruill.com  
sstutts@poyners.com

*Counsel for Steven Chalmers*  
Reginald B. Gillespie, Jr.  
Faison & Gillespie  
P.O. Box 5517  
Durham, NC 27717  
rgillespie@faison-gillespie.com

*Counsel for J. Wesley Covington*  
Kenneth Kyre Jr. (N.C. Bar # 7848)  
Paul D. Coates (N.C. Bar # 9753)  
Pinto Coates Kyre & Brown, PLLC  
P.O. Box 4848  
Greensboro, NC 27404  
kkyre@pckb-law.com  
pcoates@pckb-law.com

As of the date of this filing, no attorney has made an appearance on behalf of the following Defendant. I hereby certify that I served the following Defendants by U.S.

Mail:

Linwood Wilson  
6910 Innesbrook Way  
Bahama, NC 27503-9700

This 2<sup>nd</sup> day of April 2008.

By: /s/ William J. Thomas

---

William J. Thomas, II (N.C. Bar # 9004)

119 East Main Street

Durham, NC 27701

Tel. (919) 682-5648

Email: [thomas@tfmattorneys.com](mailto:thomas@tfmattorneys.com)